

राज्याच्या/केंद्राच्या स्वायत्त संस्थांमध्ये येणारे केंद्र/राज्य शासनाचे कर्मचारी आणि राज्य/केंद्र शासन तसेच राज्याच्या/केंद्राच्या स्वायत्त संस्थांमध्ये येणारे केंद्राच्या/राज्याच्या स्वायत्त संस्थांमधील कर्मचाऱ्यांची सेवा निवृत्तिवेतनासाठी ग्राह्य धरण्याबाबत.

महाराष्ट्र शासन

वित्त विभाग

शासन निर्णय क्रमांक पीईएन.१०९२/२७/सेवा-४,
मंत्रालय, मुंबई ४०० ०३२, दिनांक १९ जुलै १९९३

शासन निर्णय

केंद्र शासनाने सर्व राज्य शासनास त्यांचे पत्र क्र. २८/१०/८४/पीयु., दिनांक ११ ऑक्टोबर १९८४ अन्वये केंद्र शासन आणि केंद्राच्या स्वायत्त संस्था यांमधील ज्या कर्मचाऱ्यांना राज्य शासनाच्या स्वायत्त संस्थांमध्ये, कायमचे सामावून जावयाचे असेल तसेच राज्य शासन व राज्य शासनाच्या स्वायत्त संस्था यांमधील ज्या कर्मचाऱ्यांना केंद्र शासनाच्या स्वायत्त संस्थांमध्ये कायमचे सामावून जावयाचे असेल, त्यांचे बाबतीत त्यांच्या सेवेची, केंद्र शासन, कार्यालयीन ज्ञापन क्र. २८/१०/८४-पेन्शन युनिट, दिनांक २९ ऑगस्ट १९८४ मध्ये विहित केलेल्या अटीचे अधीन, निवृत्तिवेतनासाठी गणना करण्यासंबंधीच्या परस्पर व्यवस्थेत सहभागी होण्यासाठी एक प्रस्ताव पाठविला होता. राज्य शासनाने त्यावर विचार केला व केंद्र शासनास संमती कळविली. राज्य शासनाने दिलेल्या संमतीच्या आधारे केंद्र शासनाने त्यांचे पत्र क्र. २८/१०/८४/पी. अँड पी. डब्ल्यू. (बी.)/व्हॉल्युम-२, दिनांक १३ जुलै १९९२ (यासोबतचे जोडपत्र १) अन्वये आदेश काढले व त्या बाबतीत राज्य शासनाने तसेच आदेश काढावेत असे सुचविले.

२. त्यानुसार राज्याच्या स्वायत्त संस्थांमध्ये येणारे केंद्र शासनाचे कर्मचारी आणि राज्य शासन व राज्याच्या स्वायत्त संस्था यांमध्ये येणारे केंद्राच्या स्वायत्त संस्थांमधील कर्मचारी, तसेच केंद्राच्या स्वायत्त संस्थांमध्ये जाणारे राज्य शासनाचे कर्मचारी आणि केंद्र शासन व केंद्राच्या स्वायत्त संस्था यांमध्ये जाणारे राज्याच्या स्वायत्त संस्थांमधील कर्मचारी यांचे प्रकरणी त्यांच्या सेवेची निवृत्तिवेतनासाठी गणना ही केंद्र शासनाचे, कार्यालयीन ज्ञापन, क्र. २८/१०/८४-पेन्शन युनिट, दिनांक २९ ऑगस्ट १९८४ (यासोबतचे जोडपत्र २) आणि केंद्र शासनाचे पत्र क्र. २८/१०/८४/पी. अँड पी. डब्ल्यू./व्हॉल्युम-२, दिनांक ७ फेब्रुवारी १९८६ (यासोबतचे जोडपत्र ३) यामध्ये विहित केलेल्या तत्त्वानुसार नियमित केली जाईल.

३. हे आदेश दिनांक १३ जुलै १९९२ पासून अंमलात येतील आणि ते त्या दिनांकाला सेवेत असलेल्या कर्मचाऱ्यांना, तसेच त्या दिनांकापूर्वी सेवानिवृत्त झालेल्या परंतु अन्यथा या आदेशानुसार सेवेची गणना करण्यासाठी लाभ घेण्यास पात्र आहेत त्यांनाही लागू राहतील. तथापि १३ जुलै १९९२ पूर्वी निवृत्त झालेल्या निवृत्ति-वेतनधारकांना निवृत्तिवेतनाची थकवाकी देय झाली असल्यास तिचे संवितरण त्यांना १३ जुलै १९९२ पासूनच म्हणजे केंद्र शासनाचे पत्र क्र. २८/१०/८४/पी. अँड पी. डब्ल्यू. (बी.)/व्हॉल्युम-२, दिनांक १३ जुलै १९९२ च्या दिनांकापासून करण्यात येईल. त्यांना दिनांक १३ जुलै १९९२ च्या पूर्वीच्या कालावधीसाठी कोणतेही आर्थिक फायदे मिळणार नाहीत.

४. या आदेशांची इंग्रजी एन सोबत जोडली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

व. वा. चौधरी,
शासनाचे अवर सचिव.

प्रति,

भारत सरकारचे कार्मिक व लोक गान्हाणी व निवृत्तीवेतन, मंत्रालय, नवी दिल्ली,
महालेखापाल (लेखा व अनुज्ञेयता)-१, महाराष्ट्र, मुंबई,
महालेखापाल (लेखा व अनुज्ञेयता)-२, महाराष्ट्र, नागपूर,
महालेखापाल (लेखा परीक्षा)-१, महाराष्ट्र, मुंबई,
महालेखापाल (लेखा परीक्षा)-२, महाराष्ट्र, नागपूर,
संचालक, लेखा व कोषागारे, मुंबई,
अधिदान व लेखा अधिकारी, मुंबई,
निवासी लेखा परीक्षा अधिकारी, मुंबई,
राज्यपालांचे सचिव,
मुख्य मंत्र्यांचे सचिव,
सर्व मंत्री व राज्यमंत्री यांचे खाजगी सचिव,
मंत्रालयातील सर्व विभाग,
सर्व विभागीय आयुक्त,
मंत्रालयाच्या सर्व विभागांखालील विभाग प्रमुख, कार्यालय प्रमुख,
* प्रबंधक, मूळ न्याय शाखा, उच्च न्यायालय, मुंबई,
* प्रबंधक, अपील शाखा, उच्च न्यायालय, मुंबई,
* सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,
* सचिव, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई,
* प्रबंधक, लोक आयुक्त व उप लोक आयुक्त यांचे कार्यालय, मुंबई,
मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, कोकण भवन, वाशी, नवी मुंबई,
उप मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, मुंबई/पुणे/नागपूर/औरंगाबाद/नाशिक/अमरावती,
सर्व जिल्हा कोषागार अधिकारी,
विशेष आयुक्त, महाराष्ट्र सदन, कोपर्निकस रोड, नवी दिल्ली,
जनसंपर्क अधिकारी, मंत्रालय, मुंबई,
सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी,
संचालक, नगरपालिका प्रशासन, मुंबई,
वित्त विभागातील सर्व कार्यासने,
निवड फाईल, कार्यासन सेवा-४.

Counting of service for the purpose of pension of Central Government/State Government employees moving over to State/Central Autonomous Bodies and the employees of the Central/State Autonomous Bodies moving over to State/Central Government and State/Central Autonomous Bodies.

GOVERNMENT OF MAHARASHTRA

FINANCE DEPARTMENT

Resolution, No. PEN-1092/27/SER-4,

Mantralaya, Bombay 400 032, dated the 19th July 1993.

RESOLUTION

The Government of India, under their letter, No. 28/10/84-PU, dated the 11th October 1984 had sent a proposal to all the State Governments for entering into reciprocal arrangement for counting of service for the purpose of pension of employees of Central Government and Central Autonomous Bodies seeking absorption in the Autonomous Bodies under the State Government and *vice-versa*, subject to the conditions laid down in the Government of India, Office Memorandum, No. 28/10/84-Pension Unit, dated 29th August, 1984. The State Government considered the proposal and conveyed its consent to the Government of India. On the basis of the consent given by the State Government, the Government of India issued orders under their letter, No. 28/10/84-P & PW (B)/Vol. II, dated the 13th July 1992 (copy enclosed as Annexure I) and suggested the State Government to issue similar orders in the matter.

2. Accordingly Government is now pleased to decide that in the case of Central Government employees going over to State Autonomous Bodies and the employees of the Central Autonomous Bodies moving over to State Government and State Autonomous Bodies and *vice-versa*, the matter regarding counting of their services for pension, should be regulated in accordance with the principles as laid down in the Government of India's Office Memorandum, No. 28/10/84-Pension Unit, dated 29th August 1984 (copy enclosed as Annexure II) and Government of India's letter, No. 28/10/84/P & PW-Vol. II, dated 7th February 1986 (copy enclosed as Annexure III).

3. These orders will be effective from 13th July 1992 and will apply to the employees who were in service on that date and also to those who retired prior to that date and who are otherwise eligible for the benefit of counting of service thereunder. However, arrears of pension, if any, which becomes due to the pensioners who retired prior to 13th July 1992, would be disbursed to them with effect from 13th July 1992, i.e. the date of the Government of India letter, No. 28/10/84-P & PW(B)/Vol. II, dated the 13th July 1992 only and they will not get any monetary relief in respect of the period prior to the 13th July 1992.

By order and in the name of the Governor of Maharashtra,

V. W. CHAUDHARI,
Under Secretary to Government.

ANNEXURE-I

[Annexure to Government Resolution, No. PEN-1092/27/SER-4,
dated 19th July 1993]

No. 28/10/84-P & PW (B)/Vol. II.

GOVERNMENT OF INDIA

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension & Pensioners' Welfare)

New Delhi, the 13th July 1992.

To

The Chief Secretary,
Govt. of Maharashtra,
Bombay.

Subject :— Counting of service for purpose of pension of employees of Central Government and Central autonomous bodies seeking absorption in autonomous bodies under the State Governments and *vice-versa*.

Sir,

I am directed to refer to the Additional Secretary, Government of Maharashtra, Finance Department letter, No. Pen 1092/CR-27/SER-4, dated 10th April 1992 conveying the acceptance by the State Government of the proposal for the counting of service for pension on reciprocal basis in respect of (i) employees of the Central Government absorbed in the State Autonomous Bodies and (ii) employees of the Central Autonomous Bodies absorbed in the State Government and State Autonomous Bodies and *vice-versa*. The President is pleased to extend the orders, contained in this Department letter, No. 28/10/84-P & PW-Vol. II, dated 7th February 1986 to the employees of the State Government and Autonomous Bodies of Maharashtra.

2. The benefits of counting of service of Central Government employees in the event of their absorption in the State Autonomous Bodies, and of employees of the Central Autonomous Bodies in the State Government and State Autonomous Bodies as well as orders regarding acceptance of pension liability etc., in respect of State Government and State Autonomous Bodies employees absorbed in the Central Autonomous Bodies and employees of State Autonomous Bodies absorbed in Central Government will be regulated by the orders issued by the Government of Maharashtra.

3. The benefits under these orders will be admissible to the employees who are in service of Government/Autonomous Bodies on the date of issue of these orders, irrespective of the date of their absorption.

4. Hindi version of this letter is enclosed.

Yours faithfully,

SWARN DASS,
Deputy Secretary to the Government of India.

To
All Ministries/Departments of Government of India.

ANNEXURE-II

[Annexure to Government Resolution No. PEN-1092/27/SER-4,
dated 19th July 1993]

No. 28/10/84-Pension Unit.

GOVERNMENT OF INDIA/BHARAT SARKAR

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA,

Department of Personnel and Administrative Reforms

(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, the 29th August, 1984

OFFICE MEMORANDUM

Subject :—Mobility of personnel between Central Government Departments and Autonomous Bodies—Counting of service for pension.

As per existing orders, service rendered outside Central Government does not count for pension in Central Government except in the case of scientific employees of autonomous bodies financed or controlled by the Government, who on permanent absorption under the Central Government are allowed to count their previous service for pension subject to certain conditions. In respect of personnel other than scientific employees, who are permanent in Central Government, in the event of their subsequent permanent absorption in public sector undertakings or any autonomous body, proportionate retirement benefits for the service rendered in Government till the date of permanent absorption are allowed as per rules in force at the time of absorption. No such benefit is allowed to temporary employees going over to autonomous body or undertaking.

2. A number of Central autonomous/statutory bodies have also introduced pension scheme for their employees on the lines of the pension scheme available to the Central Government employees. It has, therefore, been urged by such autonomous/statutory bodies that the service rendered by their employees under the Central Government or other autonomous bodies before joining the autonomous body may be allowed to be counted in combination with service in the autonomous body, for the purpose of pension, subject to certain conditions. Similar provisions for employees of autonomous body going over to Central Government have also been urged. In other words, the suggestion is that the benefit of pension based on combined service should be introduced.

3. This matter has been considered carefully and the President has now been pleased to decide that the cases of Central Government employees going over to a Central autonomous body or *vice-versa* and employees of the Central autonomous body moving to another Central autonomous body may be regulated as per the following provisions :—

(A) *In case of Autonomous bodies where pension scheme is in operation.*

- (i) Where a Central Government employee borne on pensionable establishment is allowed to be absorbed in an autonomous body, the service rendered by him under the Government shall be allowed to be counted towards pension under the autonomous body *irrespective of whether the employee was temporary or permanent in Government*. The pensionary benefits will, however, accrue only if the temporary service is followed by confirmation. If he retires as a temporary employee in the autonomous body, he will get terminal benefits as are normally available to temporary employees under the Government. The same procedure will apply in the case of employees of the autonomous bodies who are permanently absorbed under the Central Government.

The Government/Autonomous body will discharge its pension liability by paying in lumpsum as a one-time payment, the *pro-rata* pension/service gratuity/terminal gratuity and DCRG for the service upto the date of absorption in the autonomous body/Government, as the case may be, lumpsum amount of the *pro-rata* pension will be determined with reference to commutation table laid down in CCS (Commutation of Pension) Rules, 1981, as amended from time to time.

- (ii) A Central Government employee with CPF benefits on permanent absorption in an autonomous body will have the option either to receive CPF benefits which have accrued to him from the Government and start his service afresh in that body or choose to count service rendered in Government as qualifying service for pension in the autonomous body by foregoing Government's share of CPF contributions with interest which will be paid to the concerned autonomous body by the concerned Government Department. *The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulated period, employee shall be deemed to have opted to have received CPF benefits. The option once exercised shall be final.*

(B) *Autonomous body where the Pension Scheme is not in operation.*

- (i) A permanent Central Government employee borne on pensionable establishment, on absorption under such autonomous body will be eligible for *pro-rata* retirement benefits in accordance with the provisions of the Ministry of Finance, O.M. No. 26(18)EV(B)/75, dated the 8th April, 1976, as amended from time to time. In case of quasi-permanent or temporary employees, the terminal gratuity as may be admissible under the rules would be actually payable to the individual on the date when *pro-rata* retirement benefits to permanent employees become payable. However, in the case of absorption of a Government employee with CPF benefits, in such an autonomous organisation, the amount of his subscriptions and the Government's contribution, if any, together with interest

thereon shall be transferred to his new Provident Fund account with the consent of that body.

- (ii) An employee of an autonomous body on permanent absorption under the Central Government will have the option either to receive CPF benefits which have accrued to him from the autonomous body and start his service afresh in Government or choose to count service rendered in that body as qualifying service for pension in Government by foregoing employer's share of Contributory Provident Fund contributions with interest thereon, which will be paid to the concerned Government Department by the autonomous body. The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulated period, employee shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final.

(C) *Absorption of employees of one Central Autonomous body in another Central Autonomous body.*

The above procedure will be followed *mutatis mutandis* in respect of employees going from one autonomous body to another.

4. "Central autonomous body" means body which is financed wholly or substantially from cess or Central Government grants. "Substantially" means that more than 50 per cent of the expenditure of the autonomous body is met through cess or Central Government grants. Autonomous body includes a Central statutory body or a Central University but does not include a public undertaking.

Only such service which qualifies for pension under the relevant rules of Government/Autonomous body shall be taken into account for this purpose.

5. (1) The employees of a Central autonomous body or Central Government, as the case may be, who have already been sanctioned or have received *pro-rata* retirement benefits or other terminal benefits for their past service will have the option *either* :—

(a) to retain such benefits and in that event their past service will not qualify for pension under the autonomous body or the Central Government, as the case may be, or

(b) to have the past service counted as qualifying service for pension under the new organisation in which case the *pro-rata* retirement or other terminal benefits, if already received by them, will have to be deposited along with interest thereon from the date of receipt of those benefits till the date of deposit with the autonomous body or the Central Government, as the case may be. The right to count previous service as qualifying service shall not revive until the whole amount has been refunded. In other cases, where *pro-rata* retirement benefits have already been sanctioned but have not yet become payable, the concerned authorities shall cancel the sanction as soon as the individual concerned opts for counting of his previous service for pension and inform the individual in writing about accepting his option and cancellation of the sanction. The

option shall be exercised within a period of one year from the date of issue of these orders. If no option is exercised by such employees within the prescribed time-limit, they will be deemed to have opted for retention of the benefits already received by them. The option once exercised shall be final.

- (2) Where no terminal benefits for the previous service have been received, the previous service in such cases will be counted as qualifying service for pension only if the previous employer accepts pension liability for the service in accordance with the principles laid down in this Office Memorandum. In no case pension contribution/liability shall be accepted from the employee concerned.

6. These orders will be applicable only where the transfer of the employee from one organisation to another was/is with the consent of the organisation under which he was serving earlier, including cases where the individual had secured employment directly on his own volition provided he had applied through proper channel/with proper permission of the administrative authority concerned.

7. These orders will take effect from the date of issue and the revised policy as enunciated above will be applicable to those employees who retire from Government/autonomous body service on or after the date of issue of these orders.

The provisions contained in the Ministry of Finance, Office Memorandum, No. 26(18)EV(B)/75, dated the 8th April 1976 and Office Memorandum, No. 25(1)EV/83, dated the 8th September, 1988 or any other orders shall, in so far as it provides for any of the matters contained in this Office Memorandum, cease to operate.

8. The Ministry of Education and Culture etc., are requested to advise the autonomous/statutory bodies under their administrative control, with specific directions to the Financial Advisers concerned, to ensure to make necessary provisions in their Rules and Regulations/Articles of Association in accordance with the provisions contained in this Office Memorandum. In cases where any practice otherwise than enumerated above is presently being followed, the same may be revised in accordance with the provisions of this Office Memorandum so that uniformity is maintained in such matters in all the organisations.

9. In so far as persons serving in the Indian Audit and Accounts Department are concerned these orders issue after consultation with the Comptroller and Auditor General of India.

S. R. AHIR,
Deputy Secretary to the Government of India.

ANNEXURE-III

[Annexure to Government Resolution, No. PEN 1092/27/SER-4,
dated 19th July 1993].

No. 28(10)84-P & PW-Vol. II.
GOVERNMENT OF INDIA

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSION
Department of Pension & Pensioner's Welfare
6th Floor, Nirvachan Sadan, Ashoka Road, New Delhi,
dated the 7th February 1986

To

The Chief Secretaries of all the State Governments.

Subject:—Counting of service for purpose of Pension of employees of Central Government and Central Autonomous Bodies seeking absorption in Autonomous Bodies under the State Governments and *vice versa*.

Sir,

I am directed to say that in August, 1984, Central Government had issued orders that where a Central Government employee borne on pensionable establishment is allowed to be absorbed in a Central Autonomous Body having a pension scheme of its own, the service rendered by him under the Government shall be allowed to be counted towards pension under the Autonomous Body irrespective of whether the employee was temporary or permanent in Government, subject to certain conditions. The same procedure will apply in the case of employees of the Autonomous Bodies who are permanently absorbed under the Central Government. Certain employees of the State Governments and State Autonomous Bodies, who joined the Central Autonomous Bodies/Statutory Bodies, have also represented that their service under the State Government/State Autonomous body may be allowed to be counted towards pension under Central Autonomous Body, where they are presently working. Similarly, certain Central Government servants and employees of the Central Autonomous Bodies/Statutory Bodies might have joined Autonomous Bodies/Statutory Bodies (Excluding public undertakings) of the State Governments and may be desirous of getting the benefit of counting of service under Central Government/Autonomous Bodies, towards pension in the organisations where they are presently working.

2. In the circumstances explained above, it was felt that reciprocal arrangements may be entered into with the various State Governments to the effect that where employees of the State Governments/State Autonomous Bodies/State Statutory Bodies, have been absorbed in the Central Autonomous Bodies, they may be allowed the same benefits as have been extended to the Central Government servants and *vice-versa*.

3. The question of extension of various benefits like counting of service etc., in the cases of (i) employees of the Central Government, absorbed in State Autonomous Bodies and (ii) employees of Central Autonomous Bodies absorbed in State Government and State Autonomous Bodies; and *vice-versa* has been

considered in consultation with the State Governments. After careful consideration the President has now been pleased to decide that these cases may be decided in accordance with the principles as laid down in the Department of Personnel & Administrative Reforms, O. M. No. 28/10/84-Pension Unit, dated 29th August 1984 (copy enclosed). The cases of Central Government servants appointed in State Governments and *vice-versa* will continue to be decided as hitherto.

4. Similar orders regarding counting of service of the Central Government employees in the event of their absorption in the State Autonomous Bodies and employees of the Central Autonomous Bodies in the State Governments, and State Autonomous Bodies as well as orders regarding acceptance of pension liability etc., in respect of State Government and State Autonomous Bodies, employees absorbed in Central Autonomous Bodies and employees of State Autonomous Bodies absorbed in Central Government will be issued by the respective State Governments.

5. These orders shall apply to employees of the State Governments and State Autonomous Bodies moving to Central Government/Central Autonomous Bodies in respect of the State Governments listed below :—

- (i) Karnataka
- (ii) Madhya Pradesh
- (iii) Punjab
- (iv) Rajasthan
- (v) Sikkim
- (vi) Tripura
- (vii) West Bengal
- (viii) Uttar Pradesh
- (ix) Bihar
- (x) Gujarat
- (xi) Assam
- (xii) Meghalaya
- (xiii) Himachal Pradesh

These orders shall be extended to the employees of other State Governments as and when they agree to similar reciprocal arrangements.

6. These orders will apply to the employees of the Central Government moving to State Autonomous Bodies and employees of Central Autonomous Bodies to the State Governments and their Autonomous Bodies mentioned in para. 5 above and *vice-versa* who are in service on the date of issue of these orders, irrespective of the date of their absorption.

7. So far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

Yours faithfully,

HAZARA SINGH,
Deputy Secretary to the Government of India.